

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | Case No. 8:13CR105 |
| |) | |
| Plaintiff, |) | |
| |) | |
| -vs- |) | MOTION TO WITHDRAW |
| |) | |
| |) | |
| |) | |
| TIMOTHY DEFOGGI, |) | |
| |) | |
| Defendant. |) | |

COMES NOW John S. Berry, attorney for Defendant in the above captioned case and requests this Court's permission to withdraw as attorney for the following good and sufficient reasons, to wit:

1. The undersigned attorney was appointed to represent the Defendant in the above-captioned case;
 2. The Defendant has retained private counsel to represent him;
- and
3. Private counsel has filed an Entry of Appearance with the Court indicating he represents Defendant.

WHEREFORE, the undersigned respectfully requests this Honorable Court allow him to withdraw his representation.

Respectfully submitted,
Timothy Defoggi, Defendant

/s/ John S. Berry
John S. Berry, # 22627
BERRY LAW FIRM
2650 North 48th Street
Lincoln, NE 68504
(402) 466-8444
Lawyers for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Michael Norris, Assistant U.S. Attorney and Keith A. Becker, U.S. Department of Justice, by electronically serving a copy of the same to both via CM/ECF, on this the 4th day of September, 2014 and mailing a copy of the same to Defendant at his last known address of Timothy DeFoggi, Douglas County Jail, 710 South 17th Street Omaha, NE 68102 on this 4th day of September, 2014.

/s/ John S. Berry
John S. Berry, # 22627